

EXHIBIT 9



March 13, 2023

VIA Certified, Email & Regular Mail

Toni-Anne Andrisano
Vice President, Tax
Bed Bath & Beyond, Inc.
650 Liberty Avenue
Union, NJ 07083

RE: Business Employment Incentive Program ("BEIP")
Bed Bath & Beyond, Inc. – P#17286
2021 Annual Report

Dear Ms. Andrisano:

Our records indicate that additional information is required to complete your company's 2021 BEIP post-payment report.

Pursuant to NJ Stat § 34:1B-131, failure to submit by March 1st the information required therein in full will result in an Event of Default for that reporting year. Your company failed to submit a complete 2021 BEIP post payment report.

Please be advised that the New Jersey Economic Development Authority ("EDA") reserves the right under NJ Stat § 34:1B-132, to terminate the BEIP Grant Agreement if the noncompliance of program reporting requirements continues for a second consecutive year.

Since you have commenced to cure the Event of Default within the initial 30 days provided, we are affording you an additional 90 days, in accordance with your Grant Agreement, to submit the missing information (listed below) required for the 2021 annual filing using the EDA's iDMS portal from the date of this letter. Failure to do so **will** result in an Event of Default as described above without further notice from the EDA.

1. Exhibit C-1

- Exhibit C-1 is missing amended date of June 6, 2016 (Opt-In Agreement Execution Date). Please use the C1 provided with the 30-day letter.

2. TOTAL Full Time NJ Jobs in iDMS.

- If based on W3's provided, please note that this figure includes terminated and part-time employees which should not be included in this data. WR30 reflects 1,020 of which approximately 113 employees worked under 12 weeks bringing the total to 907. IDMS portal reflects Total NJ full-time jobs reported is 7821. NJ W-3 provided reflects 1606 W2's issued in 2021 (which would include part time and terminated employees). Please review and revise.

Please contact the undersigned at wwisniewski@njeda.com if you have any questions regarding this matter.

Sincerely,

/s/Wendy B. Wisniewski

Wendy B. Wisniewski
Senior Tax Credit Compliance Officer
Incentives Servicing & Compliance Department

Cc: Wim Anneke Shepherd, Accountant, Bed, Bath & Beyond
Joan Mason-Smith, Manager IT – Finance, Bed, Bath & Beyond